

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: PROTON-PUMP
INHIBITOR PRODUCTS
LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(LDW)
(MDL 2789)**

and all member and related cases

Judge Claire C. Cecchi

This Document Relates to:

*Freddy Bales v. AstraZeneca
Pharmaceuticals LP, et al.
(2:17-cv-06124-CCC-LDW)*

**PARTIES' JOINT STIPULATION AND ORDER TO MODIFY CERTAIN
PRETRIAL DEADLINES SET FORTH IN CMO NO. 83**

The parties jointly request modification of certain deadlines set forth in CMO No. 83. This stipulation does not modify the trial date for *Bales* set forth in CMO No. 85 of May 15, 2023 (or 30 days after the Court decides summary judgment and *Daubert* motions, whichever is later). The parties' proposed amended deadlines are as follows:

1. Motions in limine for *Bales* shall be filed on or before **December 16, 2022.**
2. Oppositions to motions in limine for *Bales* shall be filed on or before **January 27, 2023.**
3. Deposition designations for *Bales* shall be filed on or before **January 6, 2023.**

4. Replies to oppositions to motions in limine for *Bales* and any stipulations to such motions shall be filed on or before **February 10, 2023**.
5. Parties shall exchange lists of their “most likely to use” exhibits for *Bales* on or before **January 12, 2023**, identifying the approximately 500 documents (exclusive of medical records and medical/scientific literature) they are most likely to offer into evidence at trial. If a party in good faith supplements its exhibit list before trial with a reasonable number of additional exhibits, the other party shall not object to the additional exhibits on the basis of timing of their addition to the exhibit list, but the party reserves the right to object to the additional exhibits on any other grounds.
6. Objections to deposition designations and counter-designations for *Bales* shall be filed on or before **February 1, 2023**.
7. Objections to deposition counter-designations for *Bales* shall be filed on or before **February 15, 2023**.
8. Objections to the approximately 500 documents (exclusive of medical records and medical/scientific literature) that the parties are most likely to offer into evidence at trial for *Bales* shall be filed on or before **February 6, 2023**. The parties in *Bales* reserve their right to object to all other exhibits until time of trial.

9. Parties shall exchange on or before **March 6, 2023** their lists of up to 50 exhibits for *Bales* that they are likely to use at trial and on which they are seeking ruling in advance of the trial. The list should be in a spreadsheet format that includes the document exhibit number, bates number, date, and brief description.
10. Parties shall exchange on or before **March 6, 2023** the transcripts for up to 8 witnesses for *Foster* they are likely to play at trial and on which they are seeking ruling in advance of the trial on designations and/or counter-designations. The transcripts should be exchanged as electronic .pdf files with designations and counter-designations color coded in the transcript.
11. Parties shall exchange on or before **March 15, 2023** their objections, with a brief explanation not to exceed 75 words for each objection, to the up to 50 priority exhibits for *Bales* designated by the other party.
12. Parties shall exchange on or before **March 15, 2023** their objections, with a brief explanation inserted as a bubble comment and not to exceed 75 words for each designation or counter-designation, to the designations and counter-designations for the 8 priority transcripts for *Bales* designated by the other party.
13. Parties shall exchange on or before **March 22, 2023** their responses, not to exceed 75 words per response, to the objections for the up to 50 priority

exhibits for *Bales* designated by the other party. Each party shall also submit to the Court a spreadsheet with copies of the exhibits.

14. Parties shall exchange on or before **March 22, 2023** a response, with a brief explanation inserted as a bubble comment and not to exceed 75 words, to the objections to the designations and counter-designations for the 8 priority transcripts for *Bales* designated by the other party. Each party shall also submit to the Court copies of the transcripts with annotated comments as well as any implicated exhibits.
15. Each party shall submit proposed jury instructions, jury questionnaires, and verdict forms for *Bales* on or before **March 29, 2023**.
16. Plaintiff shall send to Defendants on or before **April 3, 2023** a draft of a proposed Joint Pretrial Order for *Bales*.
17. The parties shall submit a proposed Joint Pretrial Order to the Court for *Bales* on or before **April 10, 2023**.

IT IS SO STIPULATED, this 17th day of November, 2022.

FOR PLAINTIFFS:

/s/ Christopher A. Seeger
Christopher A. Seeger
SEAGER WEISS, LLP
55 Challenger Road
Ridgefield Park, NJ 07660
(212) 584-0700
cseeger@seegerweiss.com

/s/ Stephanie O'Connor
Stephanie O'Connor
Douglas & London, P.C.
59 Maiden Lane, 6th Floor
New York, NY 10038
(212) 566-7500
soconnor@douglasandlondon.com

/s/ Paul J. Pennock
Paul J. Pennock
MORGAN & MORGAN
850 3rd Ave, Suite 402
Brooklyn, NY 11232
ppennock@forthepeople.com

*On Behalf of Plaintiffs' Executive
and Steering Committees*

FOR DEFENDANTS:

/s/ Gregory Hindy
Gregory Hindy
Natalie H. Mantell
MCCARTER & ENGLISH LLP
Four Gateway Center, 100 Mulberry Street
Newark, New Jersey 07101-0652
(973) 622-4444
ghindy@mccarter.com
nmantell@mccarter.com

/s/ Arthur E. Brown
Arthur E. Brown
ARNOLD & PORTER KAYE SCHOLER
LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000
Arthur.Brown@arnoldporter.com

*Attorneys for AstraZeneca
Pharmaceuticals LP and AstraZeneca LP¹*

/s/ Craig A. Thompson
Craig A. Thompson
Jason C. Rose
VENABLE LLP
750 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 244-7400
cathompson@venable.com
jcrose@venable.com

¹ Defendant AstraZeneca LP dissolved as a legal entity on December 31, 2018.

/s/ Sherry A. Knutson
Sherry A. Knutson
James Mizgala
TUCKER ELLIS LLP
223 South Wacker Drive, Suite 6950
Chicago, IL 60606
(312) 624-6300
sherry.knutson@tuckerellis.com
james.mizgala@tuckerellis.com

Attorneys for Takeda Development Center Americas, Inc. (d/b/a Takeda Global Research & Development Center, Inc.), Takeda Pharmaceuticals America, Inc., Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals U.S.A., Inc., and Abbott Laboratories

IT IS SO ORDERED.

SIGNED 22 day of November, 2022.



CLAIRES CECCHI
United States District Judge